

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

DEVON SEAN STRONG	§	
VS.	§	CIVIL ACTION NO. 9:19cv3
HILLARY R. MATTHEWS, ET AL.	§	

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE
REGARDING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT

Plaintiff Devon Sean Strong, proceeding *pro se*, filed the above-styled lawsuit. This lawsuit was referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636 for findings of fact, conclusions of law, and recommendations for the disposition of the case.

Plaintiff has filed a motion (doc. no. 58) asking that a default judgment be entered in this matter. He states the defendants have not filed adequate answers because they have not responded to all of his claims. Plaintiff specifically references a claim that he was subjected to cruel and unusual punishment.

Defendants Coleman and Touchami have filed an answer (doc. no. 13), as well as an amended answer (doc. no. 15). Defendants Cheatham, Matthews and Rollins have also filed an answer (doc. no. 16). Defendants Coleman and Touchami address a cruel and unusual punishment claim in paragraph 4 of their answer and in paragraph 4 of their amended answer. In addition, defendants Cheatham, Matthews and Rollins reference a cruel and unusual punishment claim in paragraph 4 of their answer. As a result, the undersigned is of the opinion the defendants have adequately responded to plaintiff's claims. The motion for a default judgment should therefore be denied.

Recommendation

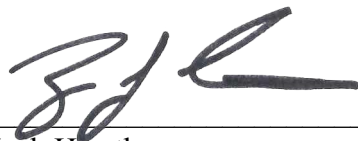
Plaintiff's motion for default judgment should be denied.

Objections

Within 14 days after receipt of the magistrate judge's report, any party may serve and file written objections to the findings of facts, conclusions of law and recommendations of the magistrate judge. 28 U.S.C. § 636 (b)(1)(C).

Failure to timely file specific written objections to the proposed findings of facts, conclusions of law and recommendations contained herein within 14 days after service shall bar an aggrieved party from *de novo* review by the district court of the proposed findings, conclusions and recommendations and from appellate review of factual findings and legal conclusions accepted by the district court except on grounds of plain error. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1429 (5th Cir. 1996) (*en banc*).

SIGNED this 16th day of August, 2024.

A handwritten signature in black ink, appearing to read 'Zack Hawthorn', is written over a horizontal line.

Zack Hawthorn
United States Magistrate Judge